

EV558530456US

PTO/SB/31 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCESDocket Number (Optional)  
63056.010601

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on October 27, 2005

Signature Randi FlamenbaumTyped or printed name Randi FlamenbaumIn re Application of  
Jean Pierre GiraudApplication Number  
10/634,156Filed  
August 4, 2003APPLICATION AND ASSEMBLY SUITED FOR USE AS A  
For DISPOSABLE LEAK PROOF CHILD DRINKING CUP

Art Unit

3727

Examiner

James N. Smalley

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) 500 \$ \_\_\_\_\_

- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 250
- A check in the amount of the fee is enclosed.
- 11/01/2005 BABRAHA1 00000054 501561 10634156
- Payment by credit card. Form PTO-2038 is attached.
- 01 FC:2401 250.00 DA
- The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 501561. I have enclosed a duplicate copy of this sheet.
- A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

 applicant/inventor. assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)Barry J. Schindler Signature

Barry J. Schindler

Typed or printed name

 attorney or agent of record.Registration number 32,938

212-801-2244

Telephone number

 attorney or agent acting under 37 CFR 1.34.Registration number if acting under 37 CFR 1.34. October 27, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*. \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OCT 27 2005

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Effective on 12/08/2004.

Amendment to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 250

**Complete if Known**

Application Number	10/634,156
Filing Date	August 4, 2003
First Named Inventor	Jean Pierre Giraud
Examiner Name	James N. Smalley
Art Unit	3727
Attorney Docket No.	63056.010601

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 501561 Deposit Account Name: Greenberg Traurig

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

Multiple dependent claims

$$\text{Total Claims } 0 - 20 \text{ or HP} = 0 \times 0 = 0$$

HP = highest number of total claims paid for, if greater than 20

$$\text{Indep. Claims } 0 - 3 \text{ or HP} = 0 \times 0 = 0$$

HP = highest number of independent claims paid for, if greater than 3

**Multiple Dependent Claims**

Fee (\$)	Fee Paid (\$)

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

$$\text{Total Sheets } - 100 = \text{Extra Sheets } / 50 = \text{Number of each additional 50 or fraction thereof } \times \text{Fee ($)} = \text{Fee Paid ($)}$$

**4. OTHER FEE(S)**

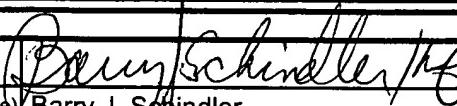
Non-English Specification, \$130 fee (no small entity discount)

Other: Fee for filing Notice of Appeal

**Fees Paid (\$)**

250

**SUBMITTED BY**

Signature		Registration No. 32,938 (Attorney/Agent)	Telephone 212-801-2244
Name (Print/Type)	Barry J. Schindler		
	Date 10/27/2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



10-31-05

AF / JFC  
\$

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Jean Pierre Giraud  
**SERIAL NO.:** 10/634,156  
**FILED:** August 4, 2003  
**ATTY. DOCKET:** 63056.010601  
**TITLE:** APPLICATION AND ASSEMBLY SUITED FOR USE AS A  
DISPOSABLE LEAK PROOF CHILD DRINKING CUP

**EXPRESS MAIL CERTIFICATE**

Express Mail Label No. EV 558530456 US

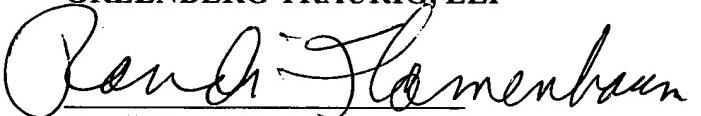
Date of Deposit: October 27, 2005

I hereby certify that the following attached paper(s) and/or fee

- (1) Notice of Appeal (1 pg);
- (2) Fee Transmittal Authorization to Deduct the amount of \$250.00 from the deposit account 501561;
- (3) A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

are being deposited with the United States Postal Service Express Mail Post Office to Addressee service under 37 C.F.R. Section 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,  
**GREENBERG TRAURIG, LLP**

  
Randi Flamenbaum  
Legal Assistant

Dated: October 27, 2005

**CORRESPONDENCE**

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